

physician self-referral law by next spring. At this juncture, it would be deeply irresponsible to enact legislation that effectively repeals the heart of the law—which is the Federal Government's ability to require fair-market value parameters for compensation arrangements between providers.

If the law is repealed, taxpayers will again be forced to foot the bill for billions of dollars in provision of unnecessary services. Enactment of the Thomas proposal would shorten Medicare's life and return us to the days of the 1980's, when physicians created sham joint ventures to which they steered their patients for unnecessary, expensive, and even painful tests.

I hope that we will not go down that road.

THE MEDICARE PHYSICIAN SELF-REFERRAL
IMPROVEMENT ACT
BILL SUMMARY

The Medicare Physician Self-Referral Improvement Act of 1999 introduced by Rep. Stark refines the self-referral laws in a number of ways. Below is a summary of the bill that highlights major provisions in current law and major changes that this legislation makes to those provisions.

Current law bans compensation between doctors and providers in certain designated health services areas. It is designed to provide a "bright line" in the law and to avoid requiring the government to investigate difficult "kickback" cases. The current law includes many complex exceptions to the total ban.

The Medicare Physician Self-Referral Improvement Act of 1999 would replace most of the compensation exceptions with a single "Fair Market Value" test. It would maintain the exceptions to the ban for physician recruitment and de minimis gifts. Under the fair market value test, an agreement must be in writing, for a definite period of time, and not be dependent on the volume or value of referrals. The compensation in the contract must be a reasonable "fair market" rate.

Current law requires "direct supervision" by referring physicians of those providing designated health services to qualify for the in-office ancillary service exception.

The Medicare Physician Self-Referral Improvement Act of 1999 would require general supervision which is a less stringent standard than current law, but it would require that generally the physician be on the premises.

Current law provides a general managed care exemption.

The Medicare Physician Self-Referral Improvement Act of 1999 would clarify that the managed care exemption extends to Medicaid managed care plans and Medicare+Choice organizations.

Current law provides an exception from the law in instances where no alternative provider is available.

The Medicare Physician Self-Referral Improvement Act of 1999 would change that exception so that the Secretary of Health and Human Services would determine whether an area is underserved and therefore needed such an exception.

Current law requires reporting of provider financial relationships and those of their immediate families, and institutes civil monetary penalties for failure to comply with such reporting requirements.

The Medicare Physician Self-Referral Improvement Act of 1999 would repeal that reporting requirement and replace it with a requirement that physicians have records available for audit purposes. It would also abolish the civil monetary penalties that go along with the current financial relationship reporting requirement.

Current law provides a list of designated health services that are covered by the self-referral ban.

The Medicare Physician Self-Referral Improvement Act of 1999 would remove eyeglasses and lenses from the list and would clarify that the law does not cover ambulatory surgical centers or hospices.

Current law requires HCFA to provide advisory opinions upon request, but has no deadline for their completion.

The Medicare Physician Self-Referral Improvement Act of 1999 would require that advisory opinions be answered by HCFA within 60 days.

Current law forbids providers from providing DME and parenteral and enteral nutrients as part of the in-office ancillary exception.

The Medicare Physician Self-Referral Improvement Act of 1999 would eliminate the ban.

RPS, INC. RECOGNIZED IN
CONGRESS

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1999

Mr. MASCARA. Mr. Speaker, I rise today to pay tribute to a company in my district, RPS, Inc., an FDX Company. This company has grown in less than 15 years to become the second largest small-package carrier in North America, and has established a reputation for efficient, affordable, and safe service.

RPS is a major employer and business operating in the southwest corner of Pennsylvania. Its headquarters have been located outside of Pittsburgh since the company was started in 1985 by President and CEO Daniel J. Sullivan. Since then, RPS has been one of the fastest growing companies in the transportation industry and currently employs over 30,000 people nationally, and ships over 1.4 million packages a day. In 1996 the company became the first small-package carrier to offer service to every business address in North America. One reason for the company's outstanding success is rooted in its commitment to technological innovation and emphasis on safe, reliable service.

Recently, RPS was awarded the 1999 Parcel Delivery Carrier of the Year by the National Small Shipments Traffic Conference (NASSTRAC), an organization of shipping executives and industry peers. In the Parcel Delivery category, this honor was bestowed solely upon RPS for its outstanding industry innovations, leadership, technology, on-time performance, service to customers, and sales support. The significance of this award is that industry professionals and peers deemed RPS to be the best in the industry, above all competitors.

In addition, the company and its employees have been recognized for their unparalleled safety record and efficient service to customers. The American Trucking Association recently named two RPS drivers, Keith Herzig and Vicki Carpenter, as Road Team Captains. This title is conferred upon 12 elite drivers annually for their exemplary safety and service records. Furthermore, RPS won the American Trucking Association's National Truck Safety Contest in 1998 or having the fewest number of accidents in the 20 million miles hauled cat-

egory. RPS can serve as an example to other companies in industries which operate heavily on our nation's highways.

I am honored to have such a fine company in my district and to represent them in Congress. I am certain RPS will continue to have a long and successful future serving America's business transportation needs.

THE ANNUNCIATION PARISH
COMMUNITY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in celebration of the Annunciation Parish Community as it celebrates its 75th year of dedicated service to the West Cleveland community.

The Annunciation Parish Community, through its "willingness to bear Jesus to the world," has served as a center for the religious expression and the spiritual growth of the West 130th and Bennington communities.

Through the rite of Baptism as well as conversions, Annunciation has brought many members of the community into the Catholic faith. Throughout the years, Annunciation has served as a center of spiritual and religious growth within the community through the rites of Eucharist and Confirmation. Also, Annunciation unites Catholic members of the community through marriage, offers spiritual pardons through confession, as well as memorializes the deceased through Christian burial.

Annunciation has also educated generations of young men, women and children who have passed through the residential school over the last seventy-five years. In addition to teaching children the fundamental academic disciplines, Annunciation has taught the importance of service to the community. Currently, Annunciation is involved in helping to bring the Bel-laire-Puritas Development Corporation and the Meals-On-Wheels to the area, providing their end of the month Neighborhood Meal, and monthly Food Collection and Hunger Collection, both of which are very supportive of the West Park Community Cupboard.

It is evident that the Annunciation Parish Community has, over the years, played a crucial role in the community, and that its many years of service have been an invaluable contribution to the West Cleveland community.

IN RECOGNITION OF THE
PLEASANTON LIONS CLUB'S
CAMPAIGN TO RAISE AWARE-
NESS ABOUT SCLERODERMA

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1999

Mrs. TAUSCHER. Mr. Speaker, I rise today to bring to the attention of my colleagues a disease known as scleroderma that an estimated 500,000 Americans currently suffer from. Even though more people have this disease than have Muscular Dystrophy, Multiple Sclerosis or Cystic Fibrosis, Scleroderma, unfortunately, is not that well known by the public.